

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PMJ Capital Corp.,

Plaintiff,

-against-

The Lady Antoinette et al,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 1/3/2020

1:16-cv-06242 (AJN) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

Plaintiff's Motion for Default Judgment (ECF No. 209) has been referred to me for a Report and Recommendation (ECF No. 213). In Plaintiff's Motion, it seeks damages, exclusive of attorneys' fees and costs, in the amount of \$144,203.32. The Court hereby notifies the parties that it intends to calculate damages based solely upon the written submissions. *See Bricklayers & Allied Craftworkers Local 2, Albany, N.Y. Pension Fund v. Moulton Masonry & Const., LLC*, 779 F.3d 182, 189 (2d Cir. 2015). To the extent that any party seeks an evidentiary hearing on the issue of damages, no later than January 10, 2020, such party must submit a letter to the Court setting forth the reason why the inquest should not be conducted based upon the written submissions alone, including a description of what witnesses would be called to testify at a hearing and the nature of the evidence that would be submitted.

In addition, no later than January 10, 2020, Plaintiff shall submit to the Court:

- (1) the Default Letter referred to in paragraph 13 of the Joseph Declaration (ECF No. 211) as Exhibit E. The Exhibit E that is currently attached to the Joseph Declaration is a Public Notice Order Confirmation (ECF No. 211-5); and

(2) a letter explaining why Plaintiff seeks interest at 2% per month (see Joseph Decl. ¶ 27), in circumstances where the Promissory Note provides for interest at the rate of 16% per year (ECF No. 211-1).

**SO ORDERED.**

DATED:        New York, New York  
                  January 3, 2020

*Stewart D. Aaron*

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STEWART D. AARON  
United States Magistrate Judge